



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

138638

ORIGINAL

FEB 22 1985

(red)

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

Byrd File

Honorable Robert C. Byrd
United States Senate
Washington, D.C. 20510

Dear Senator Byrd:

This is in response to your letter of January 18, 1985, to Lee M. Thomas, Acting Administrator of the Environmental Protection Agency (EPA), on behalf of Mr. Cecil H. Underwood, former Governor of West Virginia and a partner of Morgantown Industrial Park Associates. Mr. Underwood enclosed copies of the legal and technical reports which were submitted to the EPA as a late public comment (NPL-U2-3-L14) on the Ordnance Works Disposal Areas site in Morgantown, West Virginia. This site was listed on the proposed National Priorities list (NPL) Update #2 on October 15, 1984 (49 FR 40320). He also expressed concern about the Army Corps of Engineers projected schedule for remedial action at the site.

Presently, the EPA is carefully considering all of the comments that were submitted on the proposed NPL. Our response of January 4, 1985, to Mr. Lawrence A. Demase, Attorney for Morgantown Industrial Park, Inc., indicated that as many as ten months may elapse before the Agency promulgates the Final Rule. While this has been our experience to date, we are planning to publish these sites as final in the Federal Register in July 1985.

With regard to Mr. Underwood's comments on the Department of Defense's (DOD's) activities at the site, we are encouraged that the DOD is investigating their past involvement with the site and are coordinating their efforts with our Region III Office in Philadelphia.

If I can be of any further assistance, please let me know.

Sincerely yours,

/s/ Jack W. McGraw

Jack W. McGraw
Acting Assistant Administrator

AR500055

MARK O. JATFIELD, CHAIRMAN

TED STEVENS, ALASKA
LOWELL P. WICKER, JR., CONN.
JAMES A. MC CLURE, IDAHO
PAUL LAXALT, NEV.
JAKE GASK, UTAH
THAD COCHRAN, MISS.
MARK ANDREWS, N. DAK.
JAMES ABONOR, S. DAK.
BERT W. KASTEN, JR., WIS.
JONAS M. D'AMATO, N.Y.
JACK MATTHEWS, GA.
WARREN RUDDMAN, N.J.
ARLEN SPECTER, PA.
PETE V. DOMONICK, N. MEK.

JOHN C. STENNIS, MISS.
ROBERT C. BYRD, W. VA.
WILLIAM PROXMIRE, WIS.
DANIEL K. INOUE, HAWAII
ERNEST F. HOLLINGS, S.C.
THOMAS F. EAGLETON, MO.
LAWTON CHILES, FLA.
J. BENNETT JOHNSON, LA.
WALTER D. HOOVER, KY.
QUENTIN N. BURDICK, N. DAK.
PATRICK J. LEAHY, VT.
JIM BASSER, TENN.
DONNIS DE CONING, ARIZ.
DALE GARNER, ARK.

J. KEITH KENNEDY, STAFF DIRECTOR
FRANCIS J. SULLIVAN, MINORITY STAFF DIRECTOR

ORIGINAL

United States Senate (red)

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

January 18, 1985

Mr. Lee Thomas
Acting Administrator
Environmental Protection Agency
Waterside Mall
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Thomas:

Enclosed please find correspondence that I have received from former Governor Cecil H. Underwood, a partner of Morgantown Industrial Park Associates, and co-owner of the Old Morgantown Ordnance Works, Morgantown, West Virginia, about which we spoke at a recent meeting here in my office.

Your further personal consideration of the information provided by Governor Underwood will be appreciated, as will a response upon which I may base a reply to him.

With best wishes, I am

Sincerely yours,

Robert C. Byrd

RCB:cgc
Encl.

RECEIVED
1-25-85

AR500056

Morgantown Industrial Park Associates,
Limited Partnership

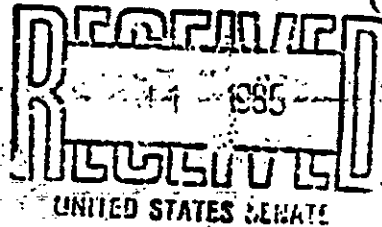
Morgantown Industrial Park
1000 DuPont Road, Building 510
Morgantown, West Virginia 26505-965
Phone 304/292-9453

January 15, 1985

ORIGINAL

ROBERT C. BYRD (red)

Honorable Robert C. Byrd
Minority Leader
United States Senate
Washington, D. C. 20510



Dear Robert:

We have filed our final response to EPA relative to the proposed listing of the Morgantown site on the NPL. We have used the law firm of Rose, Schmidt, Dixon and Hasley of Pittsburgh as legal counsel, and MSES Consultants, Inc., of Clarksburg, as technical counsel. I enclose copies of our attorney's letter and pertinent parts of the technical report.

Also, I enclose copies of Borg-Warner Corporation and Borg-Warner Chemicals, Inc., response to EPA. They used other technical consultants to arrive at their conclusions. You will note that in both instances the technical consultants arrived at considerably lower ranking scores than EPA used to nominate this site for NPL. These results lead us to believe, more than ever, that we should not have been subjected to NPL ranking.

A copy of the EPA response of January 4, 1985, indicates that final decisions will require another ten months review of response data. I presume that, during this review period, we should not be subject to further pressures from EPA.

The letter you received from Colonel Robert B. Wilson, Corps of Engineers, Huntington District, outlines a time table for remedial action by the Department of Defense. I am encouraged by the positive conclusion of the Corps of Engineers after preliminary examination of the site.

At the same time, I am concerned -- if not alarmed -- by the amount of time he suggests needed before any action is taken at Morgantown. April, 1986, is nearly a year and a half away, and we have lost already an entire year of development and job creation because of this problem. It is my understanding that funds are available currently to do this work, and funding certainly would be questionable in next year's budget.

I hope that with your help the DoD decision process can be accelerated substantially so the Corps of Engineers work can get underway during the ten-month review of the site by EPA. I am available to come to Washington anytime I can be helpful to these efforts.

Very sincerely,

Cecil H. Underwood

Enclosures

AR500057

NOT
EPI
RESP